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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,357	07/17/2003	Werner Becherer	Q75833	8905
23373	7590	08/12/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			BURGESS, BARBARA N	
		ART UNIT	PAPER NUMBER	
				2157

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/620,357	BECHERER, WERNER	
	<b>Examiner</b> Barbara N. Burgess	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 May 2005.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 and 16-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  - 1) Certified copies of the priority documents have been received.
  - 2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7-17-03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

This Office Action is in response to Amendments filed May 25, 2005. Claim 15 is cancelled as requested by Applicant. Claims 1-14 and 16 are presented for further examination. Claims 17-20 are presented for initial examination.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5, 7-8, 10-14, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brockway et al. (hereinafter "Brock", US 6,842,766 B1) in view of Minot et al. (hereinafter "Minot", US Patent 5,717,687).

As per claim 1, Brock discloses a network comprising:

- A plurality of nodes including a first and second node (column 3, lines 33-35, 40-46);
- A communications channel interconnecting the nodes for data exchange between the nodes (column 3, lines 61-65);
- Wherein the first node and the second node are at least one of parameterized and configured by storing node-specific data, the node-specific data relates to the node being at least one of parameterized and configured (column 5, lines 12-16, 20-29, column 6, lines 12-15);

- Wherein, when the first node is replaced or is resuming operation, the second node transmits the node-specific data of the first node via communications channel to the first node and the first node executes at least one of parameterizing and configuring the first node using the transmitted node-specific data (column 6, lines 17-30).

Brockway does not explicitly disclose:

- Wherein, when newly connected to the network, each of the first and second nodes it adapted to transmit via the communication channel the stored node-specific data of the respective node to the other of the first and second nodes;
- Wherein each of the first and second of the nodes comprises a memory in which the transmitted node-specific data, for the other is stored, the other node being at least one of parameterized and configured.

However, in an analogous art, Minot discloses nodes detecting their neighboring nodes. The nodes transmit a call request message that includes that node's identifier. The receiving node then transmits a recognition message including their own identifier (column 1, lines 50-65, column 2, lines 5-67, column 3, lines 10-13, 17-20, 49-52).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Minot's first and second nodes transmitting node-specific data and storing the node-specific data in memory in Brockway's network in order to remotely configure the logical address of each node and to transmit further configuration information that is necessary.

As per claim 2, Brock discloses a network as claimed in Claim 1, wherein the first node and the second node are adjacent in the network (column 3, lines 31-46).

As per claim 3, Brock discloses a network as claimed in Claim 1, wherein the first node is adapted to transmit changes in the node-specific data to the second node, in order to update memory contents (column 6, lines 12-15).

As per claim 4, Brock discloses a network as claimed in Claim 1, wherein the second node is adapted to request, when cold restarted after the second node has been connected to the network as a replacement of a node of a same type or after operability of the second node has been restored following a failure, that the first node transmit the node-specific data to the second node, for the at least one of reparameterizing and reconfiguring the second node, via the communications channel (column 5, lines 12-20, 35-36, 58-62, column 6, lines 16-24, 38-49).

As per claim 5, Brock discloses a node for a network having a plurality of nodes and a communications channel interconnecting the nodes, wherein:

- The node is adapted to be at least one of parameterized and configured by storing node-specific data (column 5, lines 12-20);
- The node is adapted, when newly connected to the network, to transmit the stored node-specific data to another of the plurality of nodes of the network (column 6, lines 1-10);

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- The node is adapted to store node-specific data of the other node received from the other node via the communication channel (column 5, lines 25-33);
- The node is adapted to request, when cold restarted after having been connected to the network as a replacement of a node of a same type or after operability of the node has been restored following a failure, that the other node transmit the node-specific data, for at least one of reparameterizing and reconfiguring the node via the communications channel (column 6, lines 12-30);
- In response to a request from the other node, transmits the stored node-specific data of the other node to the other node (column 6, lines 35-56).

As per claim 7, Brock discloses a method comprising:

- Utilizing the transmitted data specific to the first node in the first node to render the first node operational in the network when the first event occurs and utilizing the transmitted data specific to the second node in the second node to render the second node operational in the network when the second event occurs (column 5, lines 21-37, column 6, lines 13-26)

Brock does not explicitly disclose:

- Storing data specific to a first node in a second node of a network of nodes interconnected by a communications channel and storing data specific to the second node in the first node;

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- Transmitting the data specific to the first node from the second node to the first node in response to a first event and transmitting the data specific to the second node from the first node to the second node in response to a second event.

In analogous art, Minot discloses nodes detecting their neighboring nodes. The nodes transmit a call request message that includes that node's identifier. The receiving node then transmits a recognition message including their own identifier (column 1, lines 50-65, column 2, lines 5-67, column 3, lines 10-13, 17-20, 49-52).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Minot's first and second nodes transmitting node-specific data and storing the node-specific data in memory in Brockway's network in order to remotely configure the logical address of each node and to transmit further configuration information that is necessary.

As per claim 8, Brock discloses the method according to Claim 7, wherein the event is a restart of the first node (column 5, lines 63-67, column 6, lines 12-13).

As per claim 10, Brock discloses the method according to Claim 7, wherein the data comprise parameterization data (column 5, lines 12-20).

As per claim 11, Brock discloses the method according to Claim 7, wherein the data comprise configuration data (column 6, lines 21-25).

As per claim 12, Brock discloses the method according to Claim 7, further comprising transmitting the data from the first node to the second node in response to another event (column 5, lines 12-16).

As per claim 13, Brock discloses the method according to Claim 12, wherein the other event is an update of the data specific to the first node (column 5, lines 33-36).

As per claim 14, Brock discloses a network comprising:

- A plurality of nodes (column 3, lines 33-35, 40-46);
- A communications channel interconnecting the nodes (column 3, lines 61-65);
- Wherein a first of said nodes comprises:
  - A first memory configured to store data specific to said first node (column 4, lines 58-67);
  - Wherein a second of said nodes comprises:
    - A second memory configured to store the data specific to said first node (column 5, lines 35-38);
    - A third memory configured to store data specific to said second node (column 5, lines 55-67);
    - A port configured to transmit the data specific to said first node from said second node to said first node when the first node is replaced or is resuming operation (column 5, lines 5-10);

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- Wherein the data specific to said first node and said second node comprises data related to at least one of parameterization of respective node and configuration of the respective node (column 6, lines 13-25).

As per claim 16, Brock discloses the network according to Claim 15, wherein said first node further comprises:

- A fourth memory configured to store data specific to said second node (column 4, lines 58-67, column 5, lines 30-37, 60-62).

As per claim 17, Brock discloses the network according to claim 1, wherein the second node is replaced or is resuming operation, the first node transmits the node-specific data of the second node via the communications channel to the second node and the second node and the second node parameterizes and configures using the transmitted node-specific data (column 6, lines 25-38).

As per claim 18, Brock discloses the network according to claim 14, wherein a third of said nodes comprises:

- A fifth memory configured to store the data specific to said first node (column 4, lines 60-65);
- A sixth memory configured to store the data specific to said second node (column 5, lines 1-10);

- A seventh memory configured to store the data specific to said third node (column 5, lines 18-28);
- Wherein said first node transmits the data specific to said first node to said second node (column 5, lines 23-31);
- Wherein said second node transmits the data specific to said first node and the data specific to said second node to said third node (column 6, lines 16-23).

As per claim 19, Brock discloses the network according to claim 18, wherein said third node signals the data specific to said first, second, and third node to said second node, and wherein said second node transmits the received data specific to said first, second, and third node to said first node (column 6, lines 23-40).

As per claim 20, Brock discloses the network according to claim 18, wherein when the second node is replaced, the new node signals the third node and the first node requesting the data specific to said second node, wherein the new node uses the received data specific to said second node to execute at least one of configure the new node and parameterize the new node, and wherein the first and third nodes are adjacent to the second node (column 6, lines 55-67).

3. Claim 6 is ejected under 35 U.S.C. 103 (a) as being unpatentable over Brockway et al. (hereinafter "Brock", US 6,842,766 B1) in view of Olodort et al. (hereinafter "Olodort", US Patent Publication 2002/0078137 A1).

As per claim 6, Brock discloses a node for a network having a plurality of nodes and a communications channel interconnecting the nodes,

- Comprising a memory in which node-specific data for at least one of parameterizing and configuring another of the nodes are stored (column 4, lines 58-61, 66-67, column 5, lines 12-15);
- Wherein the node is adapted to store in the memory received node-specific data of the other node and to transmit the received data via the communications channel to the other node for at least one of reparameterizing and reconfiguring the other node when the other node is replacing a replaced other node or is resuming operation (column 3, lines 4-10, 47-60, column 4, lines 15-24, 47-57).

Brock does not explicitly disclose:

- Wherein the node is one of a switch, a stored-program controller, and a measuring transducer;
- Wherein the node-specific data relates to executing at least one of configuration and parameterization one of the switch, the stored-program controller, and the measuring transducer.

However, in an analogous art, Olodort discloses a network-based method for configuring disconnect switches (paragraphs [0025-0026, 0029]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Olodort's configuring a switch

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in Brock's network in order to provide optimum and adequate performance for equipment, machinery, or a facility.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brockway et al. (hereinafter "Brock", US 6,842,766 B1) in view of Kamper (US 6,654,797 B1).

As per claim 9, Brock discloses the method according to Claim 7.

Brock does not explicitly disclose wherein the event is a start of an inserted, functioning first node replacing a removed, defective first node.

However, in an analogous art, Kamper discloses backup files being restored in the event that the server has experienced a mechanical failure. The replacement server retrieves the configuration profile from the smart card reader. The replacement server will have the same configuration profile as the failed server (column 6, lines 52-62).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Kamper's inserted first node replacing a removed, defective first node in Brock's network in order to restore the network with a server.

### ***Response to Arguments***

**The Office notes the following arguments:**

(a) Brockway lacks having the first and second nodes, each storing the transmitted configuration or parameter data of the other node and having the second transmit to the

first node the first node's configuration or parameter data with the first node is resuming operation or has been replaced.

- (b) Brockway fails to teach or suggest the node being configured by storing its own configuration data.
- (c) Brockway fails to disclose or suggest a reciprocity network between the nodes.
- (d) Brockway fails to teach or suggest having the first and second nodes configure themselves by storing the respective parameter or configuration data.
- (e) Brockway fails to teach or suggest having a server and a client each store its own configuration information.

**In response to:**

- (a), (c) Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
- (b), (d) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., nodes configuring themselves by storing its own configuration data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
- (e) Each node knows of its own configuration data (such as IP address). It's inherent that each node would know and store its own data.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess  
Examiner  
Art Unit 2157

August 5, 2005



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